

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 IAN CHRISTOPHERSON)
)
 Defendants.)
 _____)

2:09-cr-056-KJD-RJJ

ORDER

This matter coming on the Defendant Christopherson's Motion to Vacate the Trial Setting and continue same is **GRANTED**. The Court finds as follows:

1. This request for continuance constitutes time which is excludable from computing the time within which trial must commence within the meaning Title 18, United States Code, Section 3161(h)(7)(A) when considering the factors set forth in Title 18 United States Code Section 3161(h)(7)(B)(i), and Title 18 United States Code Section 3161(h)(7)(B)(iv) because, among other things:

- a. There is six thousand pages of discovery involved in this matter, and there are 15 potential defense witnesses who need to be interviewed by the defense investigator. Funds have been properly requested under Title 18 United States Code Section 3006A which requires the District Court and the Circuit Court to

1 approve before work can commence. That additional funds for an expert witness
2 in the area of federal tax enforcement has been sought by the defense which
3 similarly requires both District Court and Circuit Court authorization.
4 Authorization for services of other than counsel is still pending in the Ninth
5 Circuit Court of Appeals. That expert witnesses will also need to familiarize
6 himself with the discovery to prepare for trial and pursuant to Fed. R. Crim. P.
7 16(b)(1)(C)(I) a summary of his opinions and qualifications will need to be
8 provided to the Government counsel sufficiently in advance of trial. That in order
9 to accomplish this, additional time is necessary to adequately prepare for trial,
10 taking into account the exercise of due diligence;

11 b. That defendant has requested that the trial date, and calendar call be vacated in
12 order for his experts to review discovery and prepare for trial and to insure
13 effective representation of counsel;

14 2. The denial of this request for continuance would deny counsel for the defendant and the
15 authorized experts, sufficient time, in light of the nature of the case, within which to be able to
16 effectively and thoroughly prepare for trial taking into account the exercise of due diligence.

17 3. The additional time requested is excludable under Title 18, United States Code, Sections
18 3161(h)(7)(A) and (h)(7)(B)(i) and (iv), for purposes of computing the time within which the trial herein
19 must commence under the Speedy Trial Act.

20 4. The ends of justice served by granting this request for continuance outweigh the best
21 interest of the public and the defendant herein to a speedy trial.

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3 **WHEREFORE**, it is hereby **ORDERED**:

- 4 1. The trial date of July 12, 2010, calendar call on July 5, 2007, is hereby **VACATED**.
5 2. Any and all time resulting from this continuance shall be excluded under Title 18, United
6 States Code, Sections 3161(h)(7)(A) and (h)(7)(B)(i) and (iv).
7 3. Trial of this matter is continued to the 6th day of DECEMBER, 2010, at the hour of
8 9:00 A. M. Calendar call is continued to the 30th day of NOVEMBER, 2010, at the
9 hour of 9:00 clock, A. M.

10 ENTERED:


UNITED STATES DISTRICT JUDGE

11 DATE:

7/1/2010